

### **Remarks**

Claims 1-3, 5-7, 9-18, and 20-31 are pending in this application. Claims 1 and 12 have been amended, and no claims have been added or canceled. Reconsideration of this application is respectfully requested in light of the above amendments and the following remarks.

Applicants wish to thank the Examiner for extending the courtesy of a telephone interview on March 30, 2004 wherein the patentability of claims 1 and 12 were discussed with reference to Hinkle and Fukunaga. Applicants appreciate the Examiner's indication during the interview that the amendments to claims 1 and 12 provided herein would place these claims in allowable condition over the cited art.

### **Allowed Claims**

Applicants appreciate the Examiner's indication that claims 13-18 and 20-31 have been allowed.

### **Rejection of Claims 1-3, 5-7, and 9-12**

#### **Under 35 U.S.C. § 103(a) Over Hinkle and Fukunaga**

Claims 1-3, 5-7, and 9-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,896,666 issued to Hinkle ("Hinkle") in view of U.S. Patent No. 6,003,511 issued to Fukunaga et al. ("Fukunaga"). In response, Applicants have amended claims 1 and 12 to recite that the nipple member has "a single outlet opening provided in a distal end thereof" and that gas flows through the nipple member "for delivery via the outlet opening exclusively into the oral cavity of the patient." These amendments to claims 1 and 12 were indicated by the Examiner to be patentably distinguishable over the combination of Hinkle and Fukunaga during the aforementioned telephone interview. With reference to allowed claim 13, Applicants have previously discussed that Hinkle neither discloses nor suggests this feature of Applicants' invention, and that Hinkle actually teaches away from Applicants' invention (*see* Amendment dated January 5, 2004). Applicants further submit that Fukunaga does not provide the noted deficiencies in Hinkle.

Therefore, Applicants believe that claims 1 and 12 are patentably distinguishable over the combination of Hinkle and Fukunaga. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of these claims and corresponding dependent claims 2-3, 5-7, and 9-11 under 35 U.S.C. § 103(a).

### **Conclusion**

In summary, Applicants believe that the claims, as amended, now meet all formal and substantive requirements and that the case is in appropriate condition for allowance. Accordingly, such action is respectfully requested. If a telephone conference would expedite allowance of the case or resolve any further questions, such a call is invited at the Examiner's convenience.

Respectfully submitted,

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Date: March 30, 2004

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